

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 6, 2010

CALL TO ORDER/NOTING OF QUORUM

Vice Chairman Johnson called the meeting to order and noted the quorum and the attendance. Present were Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

C. Tooman, Trevor Vance, Alex Intermill, Jeff McKean and Corby McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the June 15, 2010 meeting. The motion was seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Commissioner Guthrie moved to approve the parties' agreed dispositions that were submitted for the July 6, 2010 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-14275 J & K BARNETT, INC. – Hearing Judge Dunsmore stated this permittee was cited for failing a compliance check, which is furnishing alcohol beverage to a minor and allowing a minor to loiter. The Prosecutor made an offer to the permittee to settle this matter; however, an agreement could not be reached, so a hearing was held. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Guthrie moved to uphold the Findings of the Hearing Judge, which requires the permittee to pay a \$500.00 fine for the violations. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been

recommended by local boards and reviewed by at least two Commissioners. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Seven hundred eighty-three (783) renewals approved, ninety (90) new and/or transfer permits approved, seventeen (17) permits approved for catering, five (5) permits approved for first year escrow, two (2) permits approved for second year escrow, two (2) permits approved for third year escrow, two (2) permits approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Guthrie moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RC92-85464 SANDOW, INC. - Commissioner Guthrie stated this permittee requests this permit be converted from a type 211-3 permit to a type 209 permit.

Commissioner Guthrie moved to approve this request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR92-06253 GREEN PARROT BAR & GRILL, INC. – Commissioner Guthrie noted this is a type 210 transfer of ownership with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local boards concern was with the qualifications of the owner.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-26528 GOAB CORPORATION – Commissioner Guthrie noted this is a new type 112 application with the local board not providing a recommendation because the applicant did not appear as required.

Commissioner Guthrie moved to deny the new application. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-26701 MARISCOS LA JAIVA DE ORO, LLC – Commissioner Guthrie noted this is a new type 112 application with the local board not providing a recommendation because the applicant did not appear as required.

Commissioner Guthrie moved to deny the new application. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR71-26941 SDTG, INC., SMITH'S DOWNTOWN TAP & GRILL – Commissioner Guthrie noted this is a new type 221-3 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR71-10507 LWE CORP., D/B/A SOUTH BANK LOUNGE – Commissioner Guthrie noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to approve for one year.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal for one year. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR04-22470 SQUEEZE INN, INC. – Commissioner Guthrie noted this is a type 210-1 renewal with the local board voting two (2) to one (1) to approve for one year.

Commissioner Guthrie stated the local board member voting to deny based that recommendation on criminal acts committed by the permittee's husband.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal for one year. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR34-18495 JAMES E. AYERS – Commissioner Guthrie noted this is a type 112 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the permittee did not appear at the local board meeting as required.

Commissioner Guthrie moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR71-95384 ALLEGRE, INC., D/B/A ELVA'S FIESTA CLUB – Commissioner Guthrie noted this is a type 112 renewal application with the local board voting four (4) to zero (0) to disapprove.

According to Commissioner Guthrie, the local board stated the permittee fails to meet the qualifications to hold this permit.

Commissioner Guthrie moved to uphold the local board and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR71-96087 DADA, LLC, D/B/A BLUE JEANS BAR & GRILL – Commissioner Guthrie noted this is a type 209 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated that the local board feels the permittee fails to meet the character and reputation test, and; therefore, does not qualify to hold the permit.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Commissioner Guthrie moved to make twenty-one (21) permits inactive. Twelve (12) permits are not subject to auction and nine (9) permits are subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2010.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER